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**Human Rights Council**
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Agenda item 2
**Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

**Austria,* Belgium, Bulgaria,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Hungary, Ireland,* Italy,* Latvia,* Lithuania,* Luxembourg,* Malta,* Netherlands,* Poland,* Portugal,* Romania,* Slovakia, Slovenia, Spain, Sweden,* United Kingdom of Great Britain and Northern Ireland: draft resolution**

## 38/... Technical assistance to the Democratic Republic of the Congo and follow-up to the report of the team of international experts on the Kasai regions

*The Human Rights Council*,

*Guided* by the purposes and principles of the Charter of the United Nations,

*Reaffirming* that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, and other relevant instruments to which they are parties, including the International Covenants on Human Rights, and to fulfil their obligations under those treaties and agreements,

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* Human Rights Council resolutions 35/33 of 23 June 2017 and 36/30 of 29 September 2017 and its previous resolutions on the situation of human rights and technical assistance in the Democratic Republic of the Congo,

*Recognizing* the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

*Welcoming* the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts dispatched by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 35/33, including by facilitating access to the country, sites and persons,

* State not a member of the Human Rights Council.

*Noting with grave concern* the findings of the team of international experts in its report,[1] including about serious and gross human rights violations and abuses, the discovery of dozens of mass graves and violations of international humanitarian law in the Kasai regions perpetrated by all parties to the conflict, including those involving the recruitment and use of child soldiers, widespread sexual and gender-based violence, extrajudicial killings, ethnically motivated violence, and the destruction of houses, schools, hospitals, places of worship and State infrastructure by local militias,

*Reiterating* its condemnation of the killing of two members of the Group of Experts on the Democratic Republic of the Congo established pursuant to Security Council resolution 1533 (2004) of 12 March 2004, Zaida Catalán and Michael Sharp, who were killed in Central Kasai while discharging their mandate, and of accompanying persons, expressing concern at the lack of cooperation with the Group of Experts and other ongoing national investigations, and urging the Government of the Democratic Republic of the Congo to thoroughly and fully investigate the murder of the two experts and to ensure accountability,

*Deeply alarmed* by the continued humanitarian consequences of the violence affecting civilian populations in the Kasai regions, which has led to the displacement of more than 900,000 persons inside the country and forced at least 35,000 to seek refuge in neighbouring countries,

*Taking note* of the statements made by the President of the Security Council on the situation in the Democratic Republic of the Congo on 26 July and 7 November 2017, and Security Council press statements of 22 March and 1 June 2018,

*Taking note also* of the report of a mission of the United Nations High Commissioner for Human Rights entitled "Accounts of Congolese fleeing the crisis in the Kasai region in the Democratic Republic of the Congo" of August 2017,

*Taking note further* of the statement made by the Special Representative of the Secretary-General for Children and Armed Conflict on 30 April 2018, in which she described the disproportionate effect of violence on children in the Kasai in 2017, including the killing, burning alive and maiming of children,

*Stressing* its commitment to the fight against impunity with a view to ensuring the non-recurrence of human rights violations and abuses,

1. *Condemns in the strongest terms* all violence, incitement to hatred and ethnic violence, human rights violations and abuses, and violations of international humanitarian law committed by all parties to the conflict in the Kasai regions since August 2016, including those involving ethnically motivated violence, violence and abuses against women and children, the unlawful recruitment and use of child soldiers, killings, maiming, pillages, intentional attacks against the civilian population or against individual civilians not taking direct part in hostilities, extrajudicial killings, arbitrary arrests and detentions, rape and other forms of sexual and gender-based violence, such as sexual enslavement, the destruction of villages and cases of mistreatment or torture and other cruel, inhuman or degrading treatment or punishment;

2. *Condemns in particular* the condition of and violations and abuses perpetrated against children, who were the first victims of the violence, including through the excessive use of force by the security forces and the recruitment and use by militias, urges all parties to end immediately these grave violations and abuses of their human rights, and calls upon the Government of the Democratic Republic of the Congo to implement, with the support of relevant stakeholders, effective and gender-sensitive reintegration and rehabilitation programmes;

3. *Welcomes* the work of the team of international experts dispatched by the United Nations High Commissioner for Human Rights, notes the importance of the information and evidence it has collected in support of future accountability efforts for

[1] A/HRC/38/31.

human rights violations and abuses in the Kasai regions, and requests the High Commissioner to share the team's findings and recommendations with the General Assembly and all relevant international bodies;

4. *Notes with grave concern* that, according to the team of international experts, a number of serious human rights violations committed in the Kasai regions by the defence and security forces, the Bana Mura and the Kamuina Nsapu militias amount to crimes against humanity or war crimes under international humanitarian law;

5. *Expresses its particular concern* at the persistence of acts of violence linked to the crisis in the Kasai regions, the continued recruitment of children by the Kamuina Nsapu militia, and reports of continued intercommunal and militia violence in the regions of Kasai, as well as in other regions;

6. *Reiterates* its call upon the Government and all relevant institutions of the Democratic Republic of the Congo to take all the necessary measures to prevent all violations of international humanitarian law and all human rights violations and abuses in the Democratic Republic of the Congo, in particular when they constitute war crimes or crimes against humanity, and to hold accountable all those responsible, regardless of their political affiliation or their rank, and expresses its concern at the widespread impunity, in particular with regard to national security forces;

7. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights, and encourages all relevant national, regional and international bodies to ensure an appropriate follow-up to this end, bearing in mind the findings of the team of international experts;

8. *Urges* the Government of the Democratic Republic of the Congo to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, and to respect the rule of law;

9. *Recalls* that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect all civilians within its territory, and urges it to exercise maximum restraint and proportionate lawful use of force in its efforts to restore order, in accordance with international law;

10. *Commends* the role played by regional and international organizations and neighbouring countries in providing protection and assistance to all people affected by the crisis in the Kasai regions;

11. *Calls upon* the Government of the Democratic Republic of the Congo to strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, the Human Rights Council and its special procedures, and underlines the necessity that the United Nations Joint Human Rights Office for have unfettered and timely access to the whole territory, in particular to the Kasai regions, to operate without hindrance and to have access to all relevant persons and documents;

12. *Calls upon* the Government of the Democratic Republic of the Congo to implement promptly all the recommendations made by the team of international experts in its report, in particular those relating to the fight against impunity and to the promotion of reconciliation, and underlines in this regard the need to address the root causes of the conflict to ensure the non-recurrence of violence;

13. *Calls upon* the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the Secretary-General to give due consideration to the recommendations concerning them made by the team of international experts;

14. *Requests* the High Commissioner to continue to dispatch the team of international experts for a period of one year, pursuant to Human Rights Council resolution 35/33, in order to allow the team to continue its work on past and present violations and abuses of human rights in the Kasai regions, and on follow-up to the recommendations made by the team in its report;

15. *Also requests* the High Commissioner to present an oral update and to invite the team to participate in an enhanced interactive dialogue with the Human Rights Council at its fortieth session, and further requests the High Commissioner to present a comprehensive report to the Council with the team's findings, and to invite the team to participate in an interactive dialogue, at its forty-first session;

16. *Requests* the Office of the High Commissioner to increase technical assistance, including the necessary forensic expertise, to the Government of the Democratic Republic of the Congo regarding its investigations into the allegations of human rights violations and abuses committed in the Kasai regions and legal action to hold those responsible accountable;

17. *Calls upon* the Government of the Democratic Republic of the Congo to continue to cooperate with the team of international experts;

18. *Requests* that the Office of the High Commissioner receive all necessary and appropriate resources for the conduct of the present mandate;

19. *Decides* to remain seized of the situation.